

CERTIFICATES OF COMPETENCY OR LICENSES FOR PILOTING OF CIVIL AIRCRAFT

Exchange of notes at Washington July 28, 1938, with text of arrangement

Entered into force August 1, 1938

53 Stat. 1937; Executive Agreement Series 130

The Secretary of State to the Canadian Minister

DEPARTMENT OF STATE

Washington, July 28, 1938

SIR:

I have the honor to refer to negotiations which have recently taken place between the Government of the United States of America and the Government of Canada for the conclusion of a reciprocal arrangement for the issuance by each country of certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

It is my understanding that it has been agreed in the course of the negotiations, now terminated, that the arrangement shall be as follows:

ARRANGEMENT BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO THE ISSUANCE OF CERTIFICATES OF COMPETENCY OR LICENSES FOR THE PILOTING OF CIVIL AIRCRAFT

ARTICLE I

(a) The present arrangement between the United States of America and Canada relates to the issuance by the competent authorities of each country of pilot certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft.

(b) The term "civil aircraft" shall for the purpose of this arrangement be understood to mean all aircraft other than military, naval, customs and police aircraft.

(c) Either country issuing certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as defined in the preceding paragraph, reserves, however, the right to limit such issuance to the operation of civil aircraft for noncommercial purposes.

ARTICLE II

Pursuant to the provisions of Article I, the competent United States authorities will issue pilot certificates of competency or licenses to nationals of Canada, upon a showing that they are qualified under the regulations of the United States covering the issuance of such certificates or licenses.

ARTICLE III

Pursuant to the provisions of Article I, the competent Canadian authorities will issue pilot certificates of competency or licenses to nationals of the United States, upon a showing that they are qualified under the regulations of Canada covering the issuance of such certificates or licenses.

ARTICLE IV

Subject to the provisions of Articles I and II, pilot certificates of competency or licenses issued by the competent United States authorities to nationals of Canada shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of the United States.

ARTICLE V

Subject to the provisions of Articles I and III, pilot certificates of competency or licenses issued by the competent Canadian authorities to nationals of the United States shall entitle them to the same privileges in the matter of air pilotage as are granted by pilot certificates of competency or licenses issued to nationals of Canada.

ARTICLE VI

(a) The present arrangement shall be subject to termination by either Government upon sixty days' notice given in writing to the other Government.

(b) On the date that the present arrangement becomes effective, the reciprocal arrangement between the United States of America and Canada for the admission of civil aircraft, the issuance by each country of pilots' licenses to nationals of the other country and the reciprocal acceptance of certificates of airworthiness for aircraft imported as merchandise, entered into by an exchange of notes dated August 29, 1929 and October 22, 1929,¹ will be supplanted in so far as it sets forth the conditions governing the issuance by each country of pilots' licenses to nationals of the other country.

I shall be glad to have you inform me whether it is the understanding of your Government that the terms of the arrangement agreed to in the negotiations are as above set forth. If so, it is suggested that the arrangement become effective on August 1, 1938. If your Government concurs in this

¹ EAS 2, *ante*, p. 31.

suggestion the Government of the United States will regard it as becoming effective on that date.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL

The Honorable

Sir HERBERT MARLER, P.C., K.C.M.G.,
Minister of Canada.

The Canadian Minister to the Secretary of State

CANADIAN LEGATION
Washington, July 28th, 1938

No. 176

SIR:

I have the honour to acknowledge the receipt of your note of July 28th, 1938, in which you communicated to me the terms of a reciprocal arrangement between Canada and the United States of America for the issuance by each country of certificates of competency or licenses to nationals of the other country for the piloting of civil aircraft, as understood by you to have been agreed to in negotiations, now terminated, between the Government of Canada and the Government of the United States of America.

The terms of this arrangement which you have communicated to me are as follows:

[For terms of arrangement, see U.S. note, above.]

I am instructed to state that the terms of the arrangement as communicated to me are agreed to by my Government.

I am further instructed to inform you that my Government concurs in your suggestion that the arrangement become effective on August 1st, 1938, and will accordingly regard it as becoming effective on that date.

I have the honour to be with the highest consideration Sir

Your most obedient humble servant

HERBERT M. MARLER

The Honourable CORDELL HULL,

*Secretary of State of the United States,
Washington, D. C.*